

# Exhibit “A”

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF DELAWARE  
3                   \* \* \*  
4       WAYNE VAN SCOY                                       :  
5                   vs.                                       : C.A. NO. 05-108-KAJ  
6       VAN SCOY DIAMOND MINE OF                           :  
7       DELAWARE, INC., KURT VAN SCOY :  
8       and DONNA VAN SCOY                                :

8                   \* \* \*  
9                   AUGUST 17, 2005

10                   \* \* \*  
11                   PORTIONS OF THIS TRANSCRIPT CONTAIN CONFIDENTIAL  
12                   INFORMATION

13                   \* \* \*  
14                   Videotape deposition of WAYNE VAN SCOY,  
15       taken pursuant to notice, was held at the law  
16       offices of FOX, ROTHSCHILD, O'BRIEN & FRANKEL, LLP,  
17       2000 Market Street, 10th Floor, Philadelphia,  
18       Pennsylvania 19103-3291, beginning at 10:11 a.m.,  
19       before McKinley Wise, a Registered Professional  
20       Reporter and an approved Reporter of the United  
21       States District Court.

22                   ESQUIRE DEPOSITION SERVICES  
23                   1880 John F. Kennedy Boulevard  
24                   15th Floor  
                 Philadelphia, Pennsylvania 19103  
                 (215) 988-9191

WAYNE VAN SCOY - 8/17/05

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1 A. Ask the question again. I'm sorry.

2 Q. All right. I believe you stated,  
3 and correct me if I'm wrong, that you had asked  
4 Kurt Van Scoy to pay for use of the mark in the  
5 past; is that correct?

6 MR. MICHAEL F. PETOCK: Objection.  
7 Mischaracterization of testimony.

8 A. I told him, You're using that name.  
9 You have no right to use that name. You're not  
10 paying anything for it. Many a times.

11 BY MR. QUINN:

12 Q. When was the first time you told him  
13 that?

14 A. Oh, I could -- for my ownership  
15 since I own the name, over conversations over the  
16 phone when my mom and dad were in the hospitals  
17 and stuff.

18 Q. When was the first time?

19 A. Had to be -- let's see. I was using  
20 it in '96, '98. Since 2001, whenever we might  
21 have made phone conversations of my parents'  
22 health and stuff.

23 Q. When was the first time?

24 A. 2001.

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1 Q. Did you ever tell him that before  
2 you owned the mark?

3 A. He was aware. I probably did during  
4 the bankruptcy, how Rick and I have to take the  
5 sign down and stuff. I didn't say, You had to  
6 pay, because, you know, I can't make him pay for  
7 it. I don't own it.

8 Q. How about when your father owned the  
9 mark?

10 A. Did I? No. I don't -- not that I  
11 recall.

12 Q. When did you first realize that Kurt  
13 Van Scoy was running a jewelry store under the  
14 name Van Scoy Diamond Mine --

15 A. Ninety --

16 Q. -- in Newark, Delaware?

17 A. '96 I saw the sign.

18 Q. You were there personally --

19 A. Yes.

20 Q. -- in 1996?

21 A. Yes.

22 Q. At the store?

23 A. Yes.

24 Q. And to your knowledge, did he

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1 Q. And you have owned the  
2 registration -- registrations, pardon me, for the  
3 mark Van Scoy Diamond Mine since emergence from  
4 the bankruptcy; correct?

5 A. Correct.

6 Q. Which was in 2001?

7 A. Yep.

8 Q. January 2001?

9 A. Yes, I believe January.

10 Q. So you had the right to sue  
11 commencing that day; correct?

12 A. True. Probably, yes. Yep.

13 Q. Why did you wait --

14 MR. MICHAEL F. PETOCK: Objection as  
15 to what -- what his legal rights were.

16 BY MR. QUINN:

17 Q. Well, you owned the mark as of that  
18 day; correct?

19 A. Yes.

20 Q. Why did you wait until November of  
21 ninety -- of 2004 to give notice to Kurt Van Scoy  
22 regarding use of the mark Van Scoy Diamond Mine?

23 A. I had been telling him, telling him,  
24 telling him, telling him. Then he opens up the

**Redacted**

**Redacted**

**Redacted**



**Redacted**

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1 Internet website, which then comes up into my  
2 area. People can go on, click. He can ship them  
3 merchandise. Now he's interfering with my  
4 business.

5 Q. Do you have any documents evidencing  
6 you telling Kurt Van Scoy that he could not use  
7 the mark Van Scoy Diamond Mine?

8 A. No, no documents. Just phone  
9 conversations.

10 Q. Do you have any records of those  
11 phone conversations?

12 A. Probably. Or -- or when he called  
13 me, something with my parents. Like I said, they  
14 flared up with -- 90 percent of the phone  
15 conversations or because it ended up with me  
16 talking about it again. He admitted that.

17 Q. Isn't it true that you changed the  
18 name on the outside of the Mundy Street store at  
19 one point?

20 MR. MICHAEL F. PETOCK: I object to  
21 the way this deposition is being taken.  
22 Kurt Van Scoy is over there snickering at  
23 the witness and making facial gestures and  
24 trying to distract the witness while he's

**Redacted**

**Redacted**

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